

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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ANTHONY REID, RICARDO  
NATIVIDAD, MARK NEWTON  
SPOTZ, RONALD GIBSON, and  
JERMONT COX, on their own behalf  
and on behalf of a class of similarly  
situated persons,

*Plaintiffs,*

v.

JOHN E. WETZEL, Secretary of  
Corrections of the Commonwealth of  
Pennsylvania, ROBERT D.  
GILMORE, Superintendent of State  
Correctional Institution Greene, and  
TAMMY FERGUSON,  
Superintendent of State Correctional  
Institution Phoenix,

*Defendants.*

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CIVIL ACTION NO.  
18-CV-00176-JEJ

(Judge John E. Jones III)

CLASS ACTION

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**JOINT MOTION TO MODIFY SCHEDULING ORDER**

Plaintiffs Anthony Reid, Ricardo Natividad, Mark Newton Spotz, Ronald Gibson, and Jermont Cox, on their own behalf and on behalf of a class of similarly situated persons, and Defendants John E. Wetzel, Robert D. Gilmore, and Tammy Ferguson, by and through their undersigned counsel, respectfully move this Court to enter an Order extending the discovery deadline. In support of their joint motion, the Parties state as follows:

1. The Complaint in the above-captioned matter was filed on January 25, 2018. ECF No. 1.

2. On March 29, 2018, the Court entered an Order setting certain deadlines in this case. *See* ECF No. 25. The original date set forth in that Order for the completion of all discovery was September 28, 2018.

3. In August 2018, counsel for both parties began settlement talks and requested that this court extend the discovery deadline to January 31, 2019, without changing the trial date. *See* ECF No. 31. The Court granted this request. *See* ECF No. 32.

4. In December 2018, the parties sought a further extension in order to enable them to continue their fact and expert discovery while also pursuing substantive settlement discussions. After conducting a status conference with the parties on December 14, 2018, the Court reset the discovery deadline to May 31, 2019 and set the matter for trial on November 4, 2019.

5. Since December 2018, the parties have continued to pursue both discovery and a negotiated resolution of this case.

6. The parties' settlement negotiations have been productive and in the last two weeks have resulted in agreement in principle on many pivotal issues required to resolve this case through settlement.

7. Given their progress to date, the parties wish to defer for 45 days their remaining discovery obligations and related pretrial deadlines so that they devote themselves fully to their efforts to settle their dispute.

8. The parties believe and expect that this deferral will afford them sufficient time to resolve their remaining substantive differences and prepare a settlement agreement that they can present to the Court for preliminary approval.

9. “Generally, Rule 16 provides ‘district courts with wide latitude to manage discovery and other pretrial matters and to set deadlines for amending pleadings, for filing motions, and completing discovery.’” *Williams v. City of York*, Pa., No. 15-cv-0493, 2016 WL 2610007, at \*2 (M.D. Pa. May 6, 2016) (quoting *Eichorn v. AT&T Corp.*, 484 F.3d 644, 650 (3d Cir. 2007)). A scheduling order issued pursuant to Rule 16 may be modified “for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). “What constitutes good cause sufficient to justify the modification of a scheduling order necessarily varies with the circumstances of each case.” 6A Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1522.2 (3d ed. 2016).

10. Accordingly, for good cause, the Parties propose that the Court’s December 14, 2018 Order be modified as follows:

- a. The discovery deadline, currently set for May 31, 2019, be extended to July 15, 2019;
- b. The dispositive motions deadline, currently set for July 1, 2019, be extended to August 15, 2019; and

- c. The trial date, currently set for November 4, 2019, be reset to the first date available on the Court's calendar after January 1, 2020.

11. The Parties agree to and jointly submit this request to extend the discovery deadline.

WHEREFORE, with good cause shown, the Parties respectfully request that this Court modify its December 14, 2018 Order as the parties have jointly proposed.

Dated: April 24, 2019

Respectfully submitted on behalf of  
all counsel,

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I, Wilson M. Brown, hereby certify that on April 24, 2019, I filed the foregoing Joint Motion to Modify Scheduling Order and caused a true and correct copy of the same to be served on all counsel of record via the Court's Electronic Filing System.

/s/ Wilson M. Brown

*Attorney for Plaintiffs*

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**CERTIFICATE OF CONCURRENCE**

I, Wilson M. Brown, hereby certify that counsel for Defendants concur  
in the relief requested herein.

April 24, 2019

/s/ Wilson M. Brown

*Attorney for Plaintiffs*